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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,891	09/30/2003	Baiju D. Mandalia	N0484.70561US00	9670

23628 7590 02/07/2011
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EXAMINER
PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
02/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/677,891	**Applicant(s)** MANDALIA ET AL.	
	Examiner JESSE S. PULLIAS	**Art Unit** 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 November 2010_.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,5 and 20-23_ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1, 5, and 20-23_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to correspondence filed 11/24/10 regarding application 10/677,891, in which claims 1, 21, and 22 were amended. Claims 1, 5, and 20-23 are pending in the application and have been considered.

Response to Arguments

2. In claim 1 line 7, the word "automatically" has been omitted from the previous claim set, however the text is not struck through as required by 37 CFR 1.121. In order to advance prosecution, since the term is still found in independent claims 21 and 22, the examiner will assume its omission was inadvertent.

3. On page 6, Applicant argues that claim 21 as amended is directed to statutory subject matter under 35 U.S.C. 101 because it recites "At least one computer readable storage medium encoded with computer-executable instructions", and cites the following from MPEP 2106.01(I):

> "…a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory".

In response, viewed within its full context in the MPEP, the passage cited by Applicant appears relate to whether or not a data structure is considered non-statutory based on whether it is encoded on a computer readable medium or claimed per se. It is unclear how this passage relates to whether or not the claimed "medium" is directed to a signal, which is the basis of the rejection of claim 21 under 35 U.S.C. 101. As was previously noted, the specification is silent as to whether the “medium” is transitory or not, and so given the broadest reasonable interpretation, the claimed "medium" is rejected as being directed to a signal, which is non-statutory subject matter. As before, the addition of the term" non-transitory" to "medium" would obviate this rejection.

4. On pages 7-8, Applicant argues that Harb does not teach or suggest generating a speech dialog that includes at least one audio prompt for at least one managed system using a corresponding system speech profile for a number of alleged reasons. First, Applicant argues that Harb does not teach or suggest a system speech profile corresponding to at least one managed system, as recited in claim 1, allegedly because the selection tree taught in Harb is not a speech profile and does not generate a dialog that includes at least one audio prompt. Second, Applicant argues that the XSLT style sheets of Harb are not a speech dialog. Third, Applicant argues that interaction of a voice application with a voice infrastructure having a TTS component is not a feature that is generated using Harb’s selection tree, and that Harb describes no relation between the TTS component and the XSLT style sheets generated based on the user's selection of US objects.

In response, initially, the examiner notes Applicant’s non-standard usage of the term “speech profile” in, e.g., paragraph [0022] as specifying which functions of a given managed system have been installed and are available on the managed network, as well as which functions are to be voice-enabled and made available to system administrators via a telephony interface. In Fig 12 and 13, Harb explicitly discloses specifying which functions of e.g. a website have been installed and are available, as well as which functions are to be voice-enabled and made available to system administrators via a telephony interface. Therefore, the examiner respectfully disagrees that the selection tree of Harb is "not a speech profile", at least in the sense that the term is used on paragraph [0022] of the present specification.

Regarding "generating a dialog that includes at least one audio prompt", as was noted on pages 3-4 of the office action 01/29/10, in Col 4 lines 25-34, Harb teaches enabling users to interact with a voice application via voice comments using automated speech recognition and text-to-speech. This interaction may be fairly considered a dialog for at least the reason that it is a conversation between the user and the system. In Harb, a user chooses what the end user is allowed to say and hear in the dialog by marking a checkbox called "Subscribe for Grammar" as in Fig. 13, which causes a XSLT style sheet to be generated. This style sheet acts as a filter for an XML document that filters out the elements which are not to be included in the grammar. These operations are performed automatically, see Fig 7. For example, in response to the user checking a particular address book, the system would automatically generate prompts for the names in the address book to be uttered by the system in response to a verbal query from the user which is recognized (i.e. matches the grammar for a query to that address book) using the automatic speech recognition component. Fig 15 shows how the XSLT style sheet is automatically generated using the selections from the user interface in Fig 13. The above mentioned filtering operation is shown in Fig 20, step 448.

Further, on Col 1 lines 19-25, and 35-45, Harb discusses accessing data system using telephony and speech recognition, where voice-enabled data systems let users navigate to request a particular piece of data or a related set of data using voice commands, and then “reads back” the data to the user using text-to-speech and a grammar, which is a specification of all allowed user utterances in an application, such as those used in a voice application, which contains the logic for enabled interactions between a voice interface and a data system.

Additional evidence that Harb teaches “generating a dialog that includes at least one audio prompt” is found on Col 8 lines 12-24, 44-47, Fig 11, Col 13 lines 61-67, Col 15 lines 61-67, and Col 17 lines 57-65, where Harb teaches a “rendered user interface” such as that in Fig. 11, with a series of applets such as “dialog picklist control 222” which enables a user to select from a list of options via a dialog box that is populated with a list of choices, which are selected by the Voice Vender to be voice enabled based on the voice vender GUI, see Col 7 lines 24-30. In the example rendered interface shown in Fig 11, there are a number of navigational and other "prompts", e.g. "Name", "Contacts" etc. As shown by Fig 12 and 13, if these are selected to subscribed for grammar, they may be read back to the user during interaction with the system. For example, in Col 13 lines 61-67, Harb teaches *generating the definition of user interfaces and user data* in XML format, which will then be sent to the vendor’s voice application. The voice application will *use this information to format its voice page and present that page to its voice users via internal operations such as TTS*, which appears to explicitly teach "generating a dialog that includes at least one audio prompt".

On page 9, Applicant argues that Harb does not teach that a grammar generated using the system speech profile is “used to process speech input received from a user in response to the at least one audio prompt”. The examiner respectfully disagrees. For example, in Fig 11, if the "Account Entry Applet" were subscribed for Grammar", in response to the "Name" prompt, the system would process an utterance such as “A & W Gift & Flowers” using the grammar generated for it, in order for the user to perform actions such as retrieving the telephone number for an account over the phone. In response to Applicant's assertion that Harb does not describe that the TTS is related in any manner to the XSLT style sheets", again, as noted above, in Harb, a user chooses what the end user is allowed to say and hear in the dialog by marking a checkbox called "Subscribe for Grammar" as in Fig. 13, which causes a XSLT style sheet to be generated. This style sheet acts as a filter for an XML document that filters out the elements which are not to be included in the grammar. Therefore, the XSLT style sheets are related to the TTS in that they are used to define the grammar (allowable utterances) one may say in response to a specific TTS prompt or context. For example, as noted above, the vendor’s voice application uses this filtered XML data to format its voice page and present that page to its voice users via internal operations such as TTS.

Argument B on pages 9-10 of the Remarks relies on earlier arguments that Harb is deficient with respect to certain limitations of claim 1, and so is not persuasive for at least the same reasons as the arguments already addressed.

The arguments on pages 10-11 are the same or similar to those already addressed above, and are not persuasive for the same or similar reasons.

Specification

5. While not objected to, applicant's non-standard usage of the term "speech profile" in, e.g., paragraph [0022] of the disclosure has been noted above.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 21 is rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter.

Claim 21 is directed to "At least one computer readable storage medium encoded with computer executable instructions". The specification is silent as to whether the "medium" is transitory or not, and so given the broadest reasonable interpretation, the claimed "medium" is rejected as including a signal, which is non-statutory subject matter. The addition of the term" non-transitory" to "medium" would obviate this rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harb et al. (7,149,694) in view of Lohmann, II et al. (5,745,692).

Consider claim 1, Harb discloses a method of administering a plurality of managed systems in a managed network using a voice interface **(Col 4 lines 17-18, Fig 1,** voice applications 14, verbal access using a phone**)**, the method comprising:

storing a system speech profile corresponding to at least one managed system of the plurality of managed systems, wherein the system speech profile specifies which capabilities of the at least one managed system are available on the managed network and which capabilities are to be voice-enabled and made accessible via a telephony interface **(Fig 12, Fig 13,** grammar update enable, **Col 9 lines 44-50,** subscribe for grammar**)**; and

automatically generating a grammar and a speech dialog for the at least one managed system using the system speech profile **(Col 9 lines 59-64,** generating an XSLT based on the UI objects selected to be voice enabled, **Col 17 lines 47-55**, grammar update processing**)**, wherein the speech dialog for the at least one managed system includes at least one audio prompt that is played via a telephone in response to accessing, via the telephony interface, at least one of the capabilities of the at least one managed system that are specified in the system speech profile to be voice enabled **(Col 4 lines 25-34,** TTS prompts with voice application to voice access products**)**,

and the grammar is used to process speech input received from a user in response to the at least one audio prompt **(Col 1 lines 19-25, 35-45, 48-55,** “voice access systems", "read back" to the user, TTS, grammar, accessing contact information, **Col 4 lines 23-29,** interaction by voice, **Col 7 lines 24-29,** which applets voice application may access, **Col 8 lines 12-24, lines 44-47, Fig 11,** dialog pick list control, **Col 13 lines 61-67,** TTS for elements on the page, **Col 14 lines 61-67, Col 57-65,** user navigation**).**

Harb does not specifically mention wherein the at least one of the voice enabled capabilities comprises at least one administrative function to administer the at least one managed system, and the speech dialog allows the user to administer the at least one managed system by accessing the at least one administrative function via at least one voice command.

Lohmann discloses at least one voice enabled capabilities comprises at least one administrative function to administer the at least one managed system, and a speech dialog allows a user to administer the at least one managed system by accessing the at least one administrative function via at least one voice command **(Abstract)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Harb such that the at least one of the voice enabled capabilities comprises at least one administrative function to administer the at least one managed system, and the speech dialog allows the user to administer the at least one managed system by accessing the at least one administrative function via at least one voice command, in order to increase convenience, as suggested by Lohmann **(Col 1 lines 23-33).**

Consider claim 21, it is directed to at least one computer readable storage medium encoded with computer-readable instructions that, when executed on a computer system **(Harb, Fig 22)**, perform the method of claim 1, and so is rejected for the same or similar reasons as claim 1.

Consider claim 22, it is directed to a computer system for administering a plurality of managed systems in a managed network comprising:

a telephony interface to the managed network **(Harb, Fig 21** phone network 22**)**;

at least one controller, coupled to the telephony interface **(Fig 21,** e.g. voice app server 510**)**, that performs the method of claim 1, and so is rejected for the same or similar reasons as claim 1.

Consider claim 20, Harb discloses each system speech profile is generated based on specific capabilities of its corresponding managed system **(Fig 13,** the list of entities available for the application is based on which views, applets etc. the administrator would like to provide support for, see **Col 9 lines 44-50).**

Consider claim 23, Harb discloses providing an interface that enables a system administrator to manually edit the automatically generated speech dialog **(Abstract, Fig 13).**

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harb et

al. (7,149,694), in view of in view of Lohmann, II et al. (5,745,692), in further view of Loring et al. (6,195,641).

With respect to claim 5, Harb and Lohmann do not specifically mention adding a new managed system to the managed network including connecting the new managed system to the managed network, detecting the new managed system, and loading a system speech profile for the detected managed system.

Loring discloses adding a new managed system to the managed network **(Col 4 lines 60-61)** including connecting the new managed system to the managed network **(Col 4 lines 61-62,** new client begins a session**)**, detecting the new managed system **(Col 4 lines 61-62,** new client begins a session**)**, and loading a system speech profile for the detected managed system **(Col 4 lines 55-62,** transmitting the user vocabulary profile**)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Harb and Lohmann by adding a new managed system to the managed network including connecting the new managed system to the managed network, detecting the new managed system, and loading a system speech profile for the detected managed system, in order to update vocabulary for each system as needed without requiring user interaction, as suggested by Loring **(Col 3 lines 4-6).**

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. 2005/0038658 Sladden discloses voice based network management using VXML

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626 02/03/2011